



News Release

MARYLAND DEPARTMENT OF THE ENVIRONMENT

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FOR IMMEDIATE RELEASE

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DEPARTMENT OF ENVIRONMENT ISSUES 29 ENFORCEMENT ACTIONS

Agency Seeks More Than \$400,000 in Penalties for Alleged Violations of Water, Waste, and Air Regulations

BALTIMORE, MD (September 18, 2009) – The Maryland Department of the Environment (MDE) today announced 29 recent enforcement actions seeking penalties totaling \$486,900 for alleged violations of MDE requirements for water, waste, and air and radiation management.

“The Maryland Department of the Environment’s top priority is to protect public health,” said MDE Secretary Shari T. Wilson. “A consistent baseline of enforcement actions, which we are publicizing widely, not only helps prevent further risks to public health but also deters future violations.”

Land Pollution Enforcement Actions

Hazardous Waste Cases

Hazardous waste generators must arrange for shipment of their hazardous waste to a facility permitted to accept it or, with the appropriate permits, treat it themselves. A person who ships hazardous waste off-site must use a hauler certified by MDE, and the waste must be accompanied by a hazardous waste manifest that tracks the waste from generation to disposal. A person must comply with regulations on the storage of the waste and must follow specified procedures to prevent circumstances that could threaten human health or the environment.

Primitive Wood Designs, LLC, Old Wood & Co., and Martin L. Bueneman, Queen Anne & Queenstown, Queen Anne’s County: On July 28, 2009, MDE issued a Complaint, Penalty and Order seeking \$100,000 for alleged violations.

Lead Cases

MDE’s Lead Poisoning Prevention Program coordinates statewide efforts to eliminate childhood lead poisoning. Under the 1994 "Reduction of Lead Risk in Housing Law," MDE assures compliance with mandatory requirements for lead risk reduction in rental units built before 1950, maintains a statewide listing of registered and inspected units, and provides blood lead surveillance through a registry of test results of all children tested in Maryland. The following actions were for properties alleged to be out of compliance with lead risk reduction standards:

Donald N. Young and Sylvia C. Young, Hagerstown, Washington County: 1 affected property – On July 23, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$16,500 for alleged violations.

Aimee Ly and Hung Manh Do, Baltimore, Baltimore County: 1 affected property – On July 23, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$11,000 for alleged violations.

Venture Alliance Partners, LLC and Olatunde Ogungbade, Baltimore City: 5 affected properties – On July 23, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$44,000 for alleged violations.

Abidemi K. Lawanson, Baltimore City: 1 affected property – On July 23, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$44,000 for alleged violations.

Esperanza Banks, Baltimore City: 1 affected property – On August 3, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$16,500 for alleged violations.

Anthony E. Kirkland, Baltimore City: 3 affected properties – On August 3, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$16,000 for alleged violations.

Bryant A. Pagan, Baltimore City: 3 affected properties – On August 3, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$22,000 for alleged violations.

Luis George, Baltimore City: 26 affected properties – On August 3, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$43,500 for alleged violations.

Barbara Kay Davis, Federalsburg, Caroline County: 12 affected properties – On August 3, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$60,500 for alleged violations.

Lydia Mills, Baltimore City: 1 affected property – On August 3, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$33,000 for alleged violations.

Jonathan Wade, Baltimore City: 10 affected properties – On August 13, 2009, MDE issued an Administrative Complaint, Order and Penalty seeking \$15,000 for alleged violations.

1645 N. Calhoun Holdings, LLC, Baltimore City: 1 affected property – On August 10, 2009, MDE issued a Settlement Agreement and Consent Order seeking \$12,500 for alleged violations.

Marble Hall Holdings, LLC, Baltimore City: 1 affected property – On August 13, 2009, MDE issued a Settlement Agreement and Consent Order seeking \$5,000 for alleged violations.

The Lead Poisoning Prevention Program also accredits and enforces performance standards for inspectors and contractors working in lead hazard reduction. The following action is for a contractor and inspector alleged to be out of compliance with associated Code of Maryland Regulations:

Asbestways Service Corp, Baltimore, Baltimore County: On August 3, 2009, MDE issued a Notice of Violation with Penalty seeking \$5,000 for alleged violations.

Water Pollution Enforcement Actions

State law requires that property owners notify MDE before conducting work in tidal wetlands, their buffers, and waterways of the State. MDE assesses the impact on tidal wetlands and, if appropriate, will issue a permit authorizing the work. The regulations governing tidal wetlands were developed to protect the State's natural resources that depend on those wetlands and minimize impacts while allowing property owners reasonable use of their property.

David Hans, Hans Marine Construction, Annapolis, Anne Arundel County: On July 20, 2009, MDE executed a Settlement Agreement for alleged unauthorized work in tidal wetlands that included the construction of an unauthorized pier and alleged unauthorized work in tidal wetlands that included the construction of a revetment. The agreement requires payment of a \$10,000 penalty to the Tidal Wetlands Compensation Fund.

State law for erosion and sediment control requires that a Soil Conservation District approved sediment control plan for any proposed land clearing, soil movement, and construction greater than 5,000 square feet or 100 cubic yards be obtained and implemented prior to construction and maintained for the life of the project. It is unlawful for any person to introduce soil or sediment into waters of the State or to place soil or sediment in a condition or location where it is likely to be washed into waters of the State.

Sloan Materials, LLC, Leonardtown, St. Mary's County: On July 6, 2009, MDE received a payment of \$10,000 to the Sediment Control Fund on July 6, 2009, for alleged violations at the surface mining site, Zimmerman Pit #2. The payment resolves alleged violations for failure to implement and maintain the erosion and sediment controls resulting in a sediment discharge to waters of the State.

Air Pollution Enforcement Actions

MDE's Air and Radiation Management Administration carries out mandates from the Federal Clean Air Act as well as Maryland's air pollution control laws and administers air pollution monitoring, planning, and control programs to improve and maintain air quality. The Department also administers a radiation control program in conformance with federal and state law.

Mount St. Mary's University – Emmitsburg, Frederick County: On July 17, 2009, MDE issued an Opportunity to Settle Letter to address alleged violations of air quality regulations. Specifically, MDE alleges that Mount St. Mary's violated visible emissions regulations and record-keeping requirements.

Gasoline Vapor Violations

Gasoline vapor recovery at gas stations is essential to protecting air quality. Maryland has strict air quality regulations that require the proper recovery of gasoline vapors when refueling vehicles.

E&C Enterprises (Shell Station) – Rockville, Montgomery County: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$1,500 for alleged violations of Stage II Vapor Recovery regulations.

Liberty Gasoline Station – Germantown, Montgomery County: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$1,500 for alleged violations of Stage II Vapor Recovery regulations.

Mid-Atlantic Petroleum Properties, LLC (Chevron Station) – Gaithersburg, Montgomery County: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$1,500 for alleged violations of Stage II Vapor Recovery regulations.

Macro Concept, LLC (Citgo Station) – Baltimore City: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$1,500 for alleged violations of Stage II Vapor Recovery regulations.

Chevron Gasoline Station – Wheaton, Montgomery County: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$2,000 for alleged violations of Stage II Vapor Recovery regulations.

JHL Inc. (Citgo Station) – Edgewood, Harford County: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$1,000 for alleged violations of Stage II Vapor Recovery regulations.

Leitch Company (R.S. Leitch Station) – Edgewater, Anne Arundel County: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$1,500 for alleged violations of Stage II Vapor Recovery regulations.

A-1 Mart Gasoline Station – Frederick, Frederick County: On July 21, 2009, MDE issued an Administrative Settlement Letter seeking \$1,500 for alleged violations of Stage II Vapor Recovery regulations.

Asbestos Violations

Asbestos, a naturally occurring mineral that has been used in the United States for a wide range of purposes, has been found to cause cancer and can pose major health risks. Maryland laws and regulations limit public exposure to this hazardous substance. Maryland laws and regulations also require that asbestos removal be performed by a licensed contractor.

Terra Abatement Services – Baltimore City: On July 31, 2009, MDE issued an Administrative Settlement Letter seeking \$1,500 for alleged violations of asbestos regulations.

Montgomery Brothers – Northeast, Cecil County: On July 31, 2009, MDE issued an Administrative Settlement Letter seeking \$1,000 for alleged violations of asbestos regulations.

Radiation Enforcement Actions

Users of technologies that employ radiation, such as medical and industrial X-ray equipment and devices that contain radioactive material, must meet strict requirements to protect public health. These requirements detail various performance requirements for X-ray machines, precautions for staff that operate the machines and devices, licensing of the sources of the materials used, and documentation.

While violations may result in assessment of a penalty, it is important to note that there were no resulting impacts to the health and safety of the patients or staff at any of these facilities.

Radiation Machines Division

The following actions are in response to alleged violations of Maryland regulations for the control of ionizing radiation from radiation (x-ray) machines.

Vernon F. Ottenritter, Jr., D.D.S. – Cockeysville, Baltimore County: On July 18, 2009, MDE issued a complaint alleging violations and seeking a penalty of \$7,900.

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